

REMARKS/ARGUMENTS

This Amendment is being filed concurrently with a Request for Continued Examination (RCE). With this Amendment, Applicant amends claims 1, 3, 5, 16, 17, 19, 21, 22, 23, 24, 25, 26, 28 and 29 and adds new claims 30-35. No new matter is added. Additionally, Applicant cancels claims 14, 15, 18, 20 and 27 without prejudice or disclaimer. Accordingly, claims 1, 3, 5, 16, 17, 19, 21-26 and 28-35 are all the claims currently pending in the application. Based on the following remarks, Applicant respectfully requests issuance of a Notice of Allowance in due course.

I. Allowability of the Pending Claims

In the Decision on Appeal dated March 11, 2010, the Board of Patent Appeals and Interferences determined that independent claims 1, 3, 19 and 29 as well as their respective dependent claims are patentable over the combination of Lynn (U.S. Patent No. 6,595,859), Humes (U.S. Patent No. 5,996,011), Swift (U.S. Patent No. 6,895,111), and Crawford (U.S. Patent No. 6,781,608). Additionally, the Board of Patent Appeals and Interferences determined that dependent claims 5, 16, 17, 20-26 and 28 are patentable over various combinations of Lynn, Humes, Swift, Crawford, Reilly (U.S. Patent No. 6,580,422) and Blumenau (U.S. Patent No. 6,108,637).

Applicant herein merely amends independent claims 1, 3, 19 and 29 as well as dependent claims 5, 16, 17, 21-26 and 28 to place the claims in better form and adds new dependent computer program product claims 30-32 and new dependent method claims 33-35 which have recitations that are in some respects analogous to the recitations of previously pending dependent claims 5, 17, 21, 22, 23 and 26. Since independent claims 1, 3, 19 and 29 are patentable based on the substance of the determination by the Board of Patent Appeals and Interferences, Applicant submits that claims 5, 16, 17, 21-26 and 28-35 are also patentable at least by virtue of their dependency. Accordingly, Applicant respectfully requests issuance of a Notice of Allowance in due course.

Appl. No.: 09/753,844
Amdt. dated May 11, 2010
Reply to Decision on Appeal of March 11, 2010

II. Conclusion

In view of the foregoing comments, Applicant submits that all of the pending claims of the present application are in condition for allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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